

ATTORNEY DOCKET NO.
069204.0107

PATENT APPLICATION
09/885,678

32

REMARKS

Applicants thank the Examiner for conducting the telephone interview on November 18, 2003, and for the thoughtful consideration of this case. During the telephone interview, Applicants and Examiner discussed Claims 62 and 107 as compared to the *Esaki* and *Kuroda* references. Applicants understand that all claims as recited in this Response to Office Action are in condition for allowance.

This Application has been carefully reviewed in light of the Office Action mailed July 29, 2003 ("Office Action"). At the time of the Office Action, Claims 1-123 were pending in this patent application. Claims 1-11, 13-20, 22-37, 51-56, 69-75, 77-106, 114-116, and 118-123 were allowed. The Examiner rejected Claims 12, 21, 38-50, 57-63, 65-67, 76, 107, 109, and 117; and objected to Claims 64, 68, 108, and 110-113. Claims 12, 14, 21, 38, 57, 61, 62, 66, 67, 76, 96, 101, 107, and 117 have been amended to more clearly claim what the inventors believe to be the invention. New Claims 124-135 have been added. No new matter has been introduced by these amendments. Applicants do not admit that these amendments were made as a result of any cited art. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

The Examiner states that Claims 64, 68, 108, and 110-113 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 64 and 68 depend from amended Claim 62, which the Examiner has indicated to be allowable. Claims 108 and 110-113 depend from Claim 107, which the Examiner has indicated to be allowable. For at least these reasons, Applicants submit that Claims 64, 68, 108, and 110-113 are now in condition for allowance.

The Examiner states that Claims 12, 21, 38-50, 57-61, 76, and 117 would be allowable if rewritten or amended to overcome the rejections(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action. Applicants have amended Claims 12, 21, 38, 57, 61, 76, and 117 as requested by the Examiner. Accordingly, Applicants submit that Claims 12, 21, 38-50, 57-61, 76, and 117 are in condition for allowance.

The Examiner states that Claims 66 and 67 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office

DAL01:754759.1

ATTORNEY DOCKET NO.
069204.0107

PATENT APPLICATION
09/885,678

33

Action and to include all of the limitations of the base claim and any intervening claims. Claims 66 and 67 depend from amended Claim 62, which the Examiner has indicated to be allowable. For at least these reasons, Applicants submit that Claims 66 and 67 are now in condition for allowance.

Informalities

Applicants note with appreciation Examiner's acceptance of the minor informality in the oath or declaration.

The Examiner objects to Claims 14, 96, and 101 due to minor informalities. At the Examiner's request, Applicants have amended Claims 14, 96, and 101.

Section 112 Rejections

The Examiner rejects Claims 12, 21, 38-50, 57-61, 66, 67, 76, and 117 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended Claims 12, 21, 38, 57, 61, 66, 67, 76, and 117. Applicants respectfully request reconsideration and allowance of Claims 12, 21, 38-50, 57-61, 66, 67, 76, and 117.

Section 102 Rejections

The Examiner rejects Claim 62 under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 3,746,879 issued to Esaki et al. ("*Esaki*"). As discussed above, the Examiner indicated in a telephone interview conducted on November 18, 2003, that amended Claim 62 is now in condition for allowance. Applicants respectfully request reconsideration and allowance of Claim 62.

Section 103 Rejections

The Examiner rejects Claim 63 under 35 U.S.C. 103(a) as being unpatentable over *Esaki*. Claim 63 depends on Claim 62, which the Examiner has indicated to be allowable. For at least this reason, Applicants respectfully request reconsideration and allowance of dependent Claim 63.

Th Examiner rejects Claims 65, 107, and 109 under 35 U.S.C. 103(a) as being unpatentable over *Esaki* in view of U.S. Patent No. 5,940,206 issued to Kuroda et al.

DAL01:754759.1

ATTORNEY DOCKET NO.
069204.0107

PATENT APPLICATION
09/885,678

34

("Kuroda"). Claim 65 depends on Claim 62, which the Examiner has indicated to be allowable. Additionally, the Examiner indicated in a telephone interview conducted on November 18, 2003, that amended Claim 107 is now in condition for allowance. Claim 109 depends from Claim 107, which the Examiner has indicated to be allowable. Applicants respectfully request reconsideration and allowance of Claims 65, 107, and 109.

ATTORNEY DOCKET NO.
069204.0107

PATENT APPLICATION
09/885,678

35

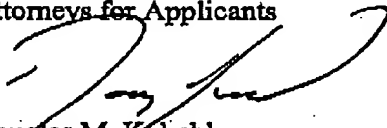
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge \$108.00 to cover the cost of additional claims to Deposit Account No. 02-0384 of Baker Botts L.L.P. A one-month extension is required for submission of this Response to Office Action. The Commissioner is hereby authorized to charge the \$55.00 extension fee to Deposit Account No. 02-0384 of Baker Botts L.L.P. Although no other fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Douglas M. Kubehl
Reg. No. 41,915

Dated: November 19, 2003

CORRESPONDENCE ADDRESS:
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6486

Customer No. 05073

DAL01:754759.1